

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHIMANGA D. SMITH,

Defendant.

Case No. 17-MJ-2025DPR

MOTION FOR DETENTION

The United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of the defendant, Chimanga D. Smith, and states the following in support of the motion:

1. This motion is being made prior to Smith's first appearance before a judicial officer. A criminal complaint has been filed charging Smith with being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions "will reasonably assure the appearance of such person as required and the safety of any other person and the community" if the attorney for the Government moves for such a hearing and the case involves:

"(E) any felony that is not otherwise a crime of violence that involves . . .
the possession or use of firearm . . ."

3. On April 27, 2017, Smith, in his vehicle, fled from Springfield, Missouri, Police Department Sergeant Justin Gargus. After his arrest, Smith was found in possession of approximately 20 grams of methamphetamine and a Bersa brand, Thunder 380 model, .380-caliber

semi-automatic pistol. In a post-*Miranda* interview, Smith admitted to distributing methamphetamine and heroin and needing the firearm for protection.

4. Smith has previously fled, in his vehicle, from law enforcement and was on probation for resisting an arrest when he committed the instant offense. In addition, Smith has misdemeanor convictions for assault in the third-degree and domestic assault in the third-degree.

5. Smith has at least three prior felony convictions, including tampering in the first degree, stealing, and robbery in the first degree. Smith received a sentence of probation for his tampering in the first degree and stealing convictions. Smith had his terms of probation revoked based upon various violations including violations for not reporting to his probation officer. Smith received a sentence of 18 years in the Missouri Department of Corrections for his robbery in the first-degree conviction.

6. The United States submits that there is clear and convincing evidence that there are no conditions that the Court could place on Smith's release that would reasonably assure his appearance in court and the safety of the community. *See* 18 U.S.C. § 3142(g)(1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons. Because of this, the United States requests that a detention hearing be held and that Smith be detained. *See generally, United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986); *United States v. Warren*, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a detention hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the Smith.

Respectfully,

Thomas M. Larson
Acting United States Attorney

By /s/ Nhan D. Nguyen
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on May 3, 2017, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Nhan D. Nguyen
Nhan D. Nguyen
Assistant United States Attorney